

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BERT MEYER,)	Civil No.: CV04 00049 JMS-BMK
)	(In Admiralty)
Plaintiff,)	
)	DECLARATION OF DENNIS D.
vs.)	SMITH; EXHIBIT "1"
)	
MATSON NAVIGATION)	
COMPANY, INC.; and PACIFIC)	
LIVESTOCK, INC.,)	
)	
Defendants.)	

DECLARATION OF DENNIS D. SMITH

I, Dennis D. Smith, hereby declare:

1. I have been retained as a stevedoring and vessel safety expert by defendant Pacific Livestock, Inc. ("PLI"), in the above-reference case. I could and would competently testify to the facts set forth herein.
2. A true copy of my CV is attached hereto as Exhibit "1" and incorporated by reference.
3. My experience and training includes vessel safety and stevedoring operations. I am familiar with vessel safety requirements and stevedoring operations on container ships.
4. I have reviewed all of the discovery material relating to

Plaintiff's fall on October 1, 2002 aboard the S/S Lihue that has been produced by the parties, including all deposition and recorded transcripts, declarations, including the Declaration of George Kinnell, safety codes, the vessel inspection report dated October 1, 2002, and policy documents, including Matson Navigation Company, Inc.'s ("Navigation") livestock tender qualification and rules.

5. I conducted an inspection of Plaintiff's accident site aboard the S/S Lihue on December 28, 2005.

6. Based on my review, training and experience, PLI had no responsibility for the hatchcover and catwalk at issue in this litigation or the gap between the hatch cover and catwalk through which Plaintiff alleges he fell.

7. In addition, PLI had no responsibility for providing illumination on the S/S Lihue for cargo operations the night Plaintiff alleges he fell, October 1, 2002.

8. It was not possible for liquid or solid waste from PLI's hogs to be on the upper catwalk and hatchcover as Plaintiff alleges, and therefore waste from PLI's hogs could not have caused Plaintiff's accident.

9. If liquid or solid waste from PLI's hogs was present as Plaintiff states, the crew of the S/S Lihue failed in its duty to properly

inspect the ship and bring the condition to the attention of PLI's animal tender and to direct him to remove the condition.

I declare under penalty of perjury that the foregoing is true and correct.

DATED at Honolulu, Hawaii 3/27/06.


DENNIS D. SMITH